

**Title 19 Chapter 6**  
**ENVIRONMENTAL QUALITY CODE - HAZARDOUS**  
**SUBSTANCES**

**PART 5**  
**Solid Waste Management Act**

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**19-6-501. Short title.**

This part is known as the "Solid Waste Management Act."

**19-6-502. Definitions.**

As used in this part:

- (1) "Governing body" means the governing board, commission, or council of a public entity.
- (2) "Jurisdiction" means the area within the incorporated limits of a municipality, special service district, municipal-type service district, county service area, or all of the territorial area of a county not lying within a city or town.
- (3) "Long-term agreement" means an agreement or contract having a term of more than five years and less than 50 years.
- (4) "Public entity" means a county, municipality, special service district, or county service area created under Title 17A, Chapter 2, Independent Special Districts, and a municipal-type service district created under Title 17, Chapter 34, Municipal-type Services to Unincorporated Areas.
- (5) "Resource recovery" means the separation, extraction, recycling, or recovery of usable materials, energy, fuel, or heat from solid waste and the disposition of it.
- (6) "Short-term agreement" means any contract or agreement having a term of five years or less.
- (7) "Solid waste" means all putrescible and nonputrescible materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owner's needs at the time of discard or rejection, including garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition, and construction debris, discarded automobiles and offal, but not including sewage and other highly diluted water carried materials or substances and those in gaseous form.
- (8) "Solid waste management" means the purposeful and systematic collection, transportation, storage, processing, recovery, and disposal of solid waste.
- (9) "Solid waste management facility" means any facility employed for solid waste management, including transfer stations, transport systems, baling facilities, landfills, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, plants and facilities for compacting, composting, or pyrolyzation of solid wastes, incinerators and other solid waste disposal, reduction, or conversion facilities, and facilities for resource recovery of energy consisting of (a) facilities for the production, transmission, distribution, and sale of heat and steam, and (b) facilities for the generation and sale of electric energy to a public utility or municipality or other public entity which owns and operates an electric power system on March 15, 1982, and for the generation, sale, and transmission of electric energy on an emergency basis only to a military installation of the United States; provided, that solid waste management facilities are not a public utility as defined in Section 54-2-1.

**19-6-503. Powers and duties of public entities.**

Subject to the powers and rules of the department, the governing body of each public entity may:

- (1) supervise and regulate the collection, transportation, and disposition of all solid waste generated within its jurisdiction;
- (2) provide solid waste management facilities to handle adequately solid waste generated or existing within or without its jurisdiction;
- (3) assume, by agreement, responsibility for the collection and disposition of solid waste whether generated within or without its jurisdictional boundaries;
- (4) enter into short or long-term interlocal agreements with other public entities, with public agencies as defined in Title 11, Chapter 13, Interlocal Cooperation Act, with private persons or entities, or any combination of them, to provide for or operate solid waste management facilities;
- (5) levy and collect taxes, fees, and charges and require licenses as may be appropriate to discharge its responsibility for the acquisition, construction, operation, maintenance, and improvement of solid waste management facilities or any portion of them, including licensing private collectors operating within its jurisdiction;
- (6) require that all solid waste generated within its jurisdiction be delivered to a solid waste management facility;
- (7) control the right to collect, transport, and dispose of all solid waste generated within its jurisdiction;
- (8) agree that the sole and exclusive right to collect, transport, and dispose of solid waste within its jurisdiction shall be assumed by any other public entity or entities, any private persons or entities, or any combination of them, pursuant to Section 19-6-505;
- (9) accept and disburse funds derived from federal or state grants or from private sources or from moneys that may be appropriated by the Legislature for the acquisition, construction, ownership, operation, maintenance, and improvement of solid waste management facilities;
- (10) contract for the lease or purchase of land, facilities, and vehicles for the operation of solid waste management facilities;
- (11) establish policies for the operation of solid waste management facilities, including hours of operation, character, and kind of wastes accepted at disposal sites, and other rules necessary for the safety of the operating personnel;
- (12) sell or contract for the sale, pursuant to short or long-term agreements, of any usable materials, energy, fuel, or heat separated, extracted, recycled, or recovered from solid waste in a solid waste management facility, on terms in its best

interests, and to pledge, assign, or otherwise convey as security for the payment of its bonds any revenues and receipts derived from the sale or contract or from the operation and ownership of a solid waste management facility or an interest in it;

(13) issue bonds pursuant to Title 11, Chapter 14, Local Government Bonding Act; and

(14) issue industrial development revenue bonds pursuant to Title 11, Chapter 17, Utah Industrial Facilities and Development Act, to pay the costs of financing projects consisting of solid waste management facilities, as defined in Section 19-6-502, on behalf of entities that constitute the users of a solid waste management facility project within the meaning of Section 11-17-2, and agree to construct and operate or to provide for the construction and operation of a solid waste management facility project, which project shall manage the solid waste of one or more public or private entities, all pursuant to contracts and other arrangements provided for in the proceedings pursuant to which the bonds are issued. In addition to the authority to issue bonds contained in Title 11, Chapter 17, Utah Industrial Facilities and Development Act, bonds may be issued pursuant to the authority contained in this subsection to pay the cost of establishing reserves to pay principal and interest on the bonds as provided for in the proceedings pursuant to which the bonds are issued.

**19-6-504. Assurance of sufficient revenue to pay bonds.**

(1) If a public entity issues bonds to finance a solid waste management facility and the bonds mature more than ten years after the bonded facility begins operation, the public entity owning the facility or the public entity or entities contracting for solid waste management services with the owner of the facility shall assure that a supply of solid waste will be available to the facility in quantities sufficient to generate enough income, together with all other sources of revenue pledged for payment of the bonds, to pay all principal and interest on the bonds during the term of the bonded indebtedness. The assurance may take the form of:

(a) long-term contracts, at least equal to the period of the bonded indebtedness, with other public entities or other persons to supply enough solid waste to the facility to retire the bonded indebtedness of the facility; or

(b) ordinances, franchises, or other forms of regulation requiring that sufficient quantities of solid waste be delivered to the facility for disposal.

(2) The department shall make rules for periodic reporting by any public entity that establishes ordinances, franchises, or other forms of regulation pursuant to Subsection (1). The reports shall include information about the quantities of solid waste being received by the facility and whether the charges made for processing the solid waste, together with all other sources of revenue pledged for the payment of principal and interest on the bonds, are sufficient to meet the debt-service on the bonds.

**19-6-505. Long-term agreements for joint action -- Construction, acquisition, or sale of interest in management facilities -- Issuance of bonds.**

(1) (a) Two or more public entities, which for the purposes of this section shall only include any political subdivision of the state, the state and its agencies, and the United States and its agencies, may enter into long-term agreements with one another pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, and any one or more public entities may enter into long-term agreements with any private entity or entities for joint or cooperative action related to the acquisition, construction, ownership, operation, maintenance, and improvement of solid waste management facilities, regardless of whether the facilities are owned or leased by a public entity or entities, private entity or entities, or combination of them and pursuant to which solid waste of one or more public entities, any private entity or entities, or combination of them, are made available for solid waste management pursuant to the terms, conditions, and consideration provided in the agreement.

(b) Any payments made by a public entity for services received under the agreement are not an indebtedness of the public entity within the meaning of any constitutional or statutory restriction, and no election is necessary for the authorization of the agreement.

(c) Any public entity or any public entity in combination with a private entity agreeing to make solid waste management facilities available may, in the agreement, agree to make available to other public entities a specified portion of the capacity of the solid waste management facilities, without regard to its future need of the specified capacity for its own use and may in the agreement agree to increase the capacity of its solid waste management facilities from time to time, as necessary, in order to take care of its own needs and to perform its obligations to the other parties to the agreement.

(2) (a) Two or more public entities or any one or more public entities together with any private entity or entities may construct or otherwise acquire joint interests in solid waste management facilities, or any part of them, for their common use, or may sell to any other public or private entity or entities a partial interest or interests in its solid waste management facility.

(b) Any public entity otherwise qualifying under Title 11, Chapter 14, Local Government Bonding Act or Title 11, Chapter 17, Utah Industrial Facilities and Development Act may issue its bonds pursuant to these acts for the purpose of acquiring a joint interest in solid waste management facilities, or any part thereof, whether the joint interest is to be acquired through construction of new facilities or the purchase of an interest in existing facilities.

**19-6-506. Schedule of fees -- Classification of property -- Collection of delinquent fees.**

(1) (a) The governing body of any public entity may by ordinance or resolution establish a schedule of fees to be imposed and assessed on property within its jurisdiction the revenue from which shall be used for solid waste purposes.

(b) In establishing a schedule of fees, the governing body shall classify the property within its jurisdiction based upon the character and volume of waste occurring from the various property uses subject to this part.

(c) If the governing body makes solid waste facilities available to a public entity as provided in Section 19-6-505, it shall charge a fee to that public entity, calculated in the same way as fees assessed on property within the jurisdiction of the governing body.

(2) (a) The governing body may impose, assess, and collect a reasonable fee for each classification of property established and divide the property within its jurisdiction according to the classifications.

(b) It may also establish classifications of property for which services may be provided for no fee or a reduced fee and determine the eligibility requirements for inclusion in the classifications upon application by property owners on a case-by-case basis.

(c) The governing body shall impose and assess the appropriate fee established for each classification and division of property by ordinance or resolution, and provide therein for the billing and collection of the fees on an annual or more frequent basis as it shall determine to be necessary or appropriate.

(d) The ordinance or resolution may provide that the fees imposed and assessed may be billed and collected by the county treasurer as a part of the regular, ad valorem property tax notice, billing, and collection system of the county, if it is feasible to do so, unless the public entity imposing and assessing the fees has an existing service or utility billing and collection system which can be used for this purpose.

(3) County treasurers may include the fees certified to them pursuant to this part on the general, ad valorem tax notice and collect and remit the fees in the manner and as a part of the tax collection system including the collection of delinquent fees in the manner provided by law for tax delinquencies.

(4) Any governing body which uses the general property tax billing and collection system of a county to bill and collect the fees imposed and assessed under this part shall reimburse the county for the actual costs thereof annually, which costs include the materials, equipment, and supplies used and the labor involved plus a factor added for overhead and general and administrative expenses.